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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,529	08/11/2005	John F Wetling	36731-000052/US	1446
30593 7590 07/12/2007 HARNESSE, DICKY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER SMITH, TERRI L	
			ART UNIT 3762	PAPER NUMBER
			MAIL DATE 07/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/523,529

Applicant(s)

WETLING, JOHN F

Examiner

Terri L. Smith

Art Unit

3762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2-4-05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because in Fig. 5 at element (4) there appears to be a typographical error: “dos” should probably be “dose” instead. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office Action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the Examiner, the Applicant will be notified and informed of any required corrective action in the next Office Action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the Applicant’s use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without

Art Unit: 3762

underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.

(b) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(c) BRIEF SUMMARY OF THE INVENTION.

(d) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(e) DETAILED DESCRIPTION OF THE INVENTION.

(f) CLAIM OR CLAIMS (commencing on a separate sheet).

(g) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

3. The disclosure is objected to because of the following informalities: On page 5 in line 20 there appears to be a stray right parenthesis mark ( " ) ) after the word "unit."

Appropriate correction is required.

#### *Claim Objections*

4. Claims 12-13 are objected to because of the following informalities: In claim 12 line 1 there appears to be a typographical error: the word "trating" should probably be "treating" instead. In the phrase "connecting the patient electrically ..." the first occurrence of the word "a" would make the phrase read better if the word were changed to "an" instead. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 112*

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the Applicant regards as his invention.

6. Claims 7-11 and 13-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 7 is incomplete because "a negative ion generator,"

Art Unit: 3762

electrical cables,” “a back feed unit” and “an insulating cover” is just a list of parts with no cooperative relationship between elements.

Claims 8–11 and 14–19 recite the limitation “the feedback unit.” There is insufficient antecedent basis for this limitation in the claims.

Claim 13 needs to be in the active voice given that it is a method claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the Applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the Applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 7, 9 and 11–13 are rejected under 35 U.S.C. 102(b) as being anticipated by Copus, UK Patent Application GB 2 246 955 A.

9. Regarding claims 7, 9 and 11–13, Copus discloses a negative ion generator, electrical cables, a back feed unit (e.g., FIGURE 1; page lines 1–2 where it is the Examiner’s position that the current-limiting devices functions as a back feed/feed-back unit; page 3, last two lines);

and an insulating cover (e.g., FIGURE 3, element M, bed; page 2, lines 26–29 where it is the Examiner’s position that it is inherent for the bed to be an insulating cover in order for the apparatus to properly generate and distribute the ions as disclosed by Copus);

electrically isolating a patient (e.g., page 2, lines 6–9); spraying an area of a patient with ions (e.g., page 2, lines 11–17). [It is noted that Applicant does not define or specify what

Art Unit: 3762

spraying is, nor how spraying is executed. Consequently, it is the Examiner's position that Copus' method of generating the negative air ions is a spraying method.]

10. Claims 7-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gisel et al., U.S. Patent 6,549,808.

11. Regarding claims 7, 9 and 12-14, Gisel et al. disclose a negative ion generator, electrical cables, (e.g., FIGS. 1-5; ABSTRACT, lines 11-14), a back feed unit (e.g., element 52, regulator) and an insulating cover (e.g., element 18, flexible plastic material); electrically isolating a patient (e.g., column 3, lines 21-23; column 5, lines 7-9); spraying an area of a patient with ions (e.g., ABSTRACT, lines 11-14; column 3, lines 25-26 and 36-38).

12. With respect to claims 8, 10, 15 and 16, Gisel et al. disclose monitor a number of discharged ions per unit of a time measure (e.g., column 3, lines 39-41; column 5, lines 35-37).

13. Regarding claims 11 and 17-19, Gisel et al. disclose keep an object at a specific potential (e.g. column 3, line 33).

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Terri L. Smith whose telephone number is (571) 272-7146. The Examiner can normally be reached on 7:30 a.m. - 4:30 p.m..

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3762

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TLS

June 29, 2007

29 June 2007

GEORGE R. EVANISKO  
PRIMARY EXAMINER

7/2/7